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FCC MAIL BRANCH

GREEN SPHERE INC.FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**Communications Strategies**

COMMENTS TO THE FCC RULE-MAKING ON DBS docket # MM 93-25

May 20, 1993

Green Sphere is a non-for-profit 501(c)(3) organization founded in 1987 to help other nonprofits organizations use the media to relay their environmental messages to the public. We have created an association comprised of TV producers, media activists, environmentalists, cultural workers and social justice advocates. We have formed this association of nonprofit organizations who produce noncommercial educational and informational programming to provide access to DBS. We meet the criteria of a national educational and informational program supplier. We represent such organizations as The National Audubon Society, that also endorsed our comments in writing, and other regional and national organizations and independents representing hundreds of hours of noncommercial educational and informational programs and a cume of over one half of a million dedicated viewers.

We are a public broadcasting entity created primarily to assist other nonprofit organizations to gain affordable access to communications technology. We wish to make comments on the following paragraphs of the docket number MM 93-25: 13, 39, 41 through 46. We have included some additional comments which we feel are important.

13. Channel or channels should be defined as each individual programming service as opposed to each transponder which may carry several compressed video channels. Each channel can be tuned individually. The channel bandwidth or percentage of a transponder being unimportant (transparent) to the viewer.

39. The channel capacity of a DBS satellite should be based on the number of channels potentially available for programming given the compression/decompression technique employed by the DBS operator. From the viewpoint of the national educational programming suppliers it would be most desirable that whole discrete channels be reserved for their programming purposes. If only a percentage of cumulative time is reserved for noncommercial use the provider of the direct broadcast service may be in a position to exercise editorial control over this time by determining on what days and in what time slots the noncommercial programming will appear.

41. Responsibility for programming violations should be of the programmer.

42. Since the DBS provider will not have editorial control of the reserved capacity nor should they be held liable for the programming content, the DBS provider should not be allowed to refuse carriage of programming or restrict its dissemination (it is not their responsibility).

43. The definition on a National Educational Programming Supplier should include the definitions of Section 397 of the Communications Act of 1934; in particular to the section which defines a public broadcasting entity as "any nonprofit institution engaged primarily in the production, acquisition, distribution, or dissemination of educational and cultural television or radio programs." In addition, access to the reserved channel capacity should be made available to any nonprofit organization which is not engaged primarily in the production, acquisition, or distribution of programming yet, none the less, has produced or acquired educational and informational programs. No part of the reserved capacity should be allocated to a program supplier which has a corporate relationship with a DBS provider because it presents conflicts of interest.

44. It is not necessary for the commission to define the term "noncommercial educational and informational programming". The types of entities that may seek access to the reserved channel capacity has been defined in paragraph 43. The commission should not enumerate the specific types of programming that may be aired.

45. Due to the fact that there is an abundant supply of educational and informational programming available, there is no need for any portion of the reserved channel capacity to go unused. Therefore, the DBS service provider should not be allowed to utilize any of this capacity for any purpose.

In addition we add the following comments :

The same rules for mentioning underwriters and for fundraising that pertain to public broadcasting should apply to DBS.

Audio subcarriers for audio only services should be within the capacity

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